

REMARKS

Claims 1-18 and 20-24 remain pending in the application, with Claims 1, 9, 16, 18-20 and 22 being independent claims. Claims 1-18 and 20-24 are again rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen (U.S. Patent Application Publication No. 2002/0181423 A1) in view of Leung (U.S. Patent Application Publication No. 2003/0087653 A1).

The Examiner again concedes that Chen does not disclose transmitting data from a server. The Examiner again states that Leung discloses providing a broadcast service to multiple users from a server in FIG. 5, the Abstract, paragraph 52 and paragraphs 110-111. The Examiner again states that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chen with the alleged teachings of Leung.

Chen describes a method and apparatus for channel management for point-to-multipoint services in a communication system. Chen discusses the use of a forward common channel and assigned dedicated channels for mobile stations to transmit reverse transmission data. As conceded by the Examiner, Chen does not disclose providing transmitting data from a server.

The Examiner relies on Leung for suggesting providing a broadcast service to multiple users from a server. The Leung method of data transport is related to a wireless communication system that supports a unidirectional broadcast service, as Leung explains in paragraph 35, lines 15-16.

Applicants respectfully submit that one skilled in the art at the time the invention was made, in the presence of Chen and Leung, would not be motivated to modify Chen with the Leung server supporting a unidirectional broadcast service because such a modification would destroy the bi-directional communication system of Chen. The Examiner knows that a

prima facie case of obviousness over a claim cannot be made when modification of a primary reference by a secondary reference destroys the primary reference.

Accordingly, Claims 1, 9, 16, 18-20 and 22 are allowable over Chen, Leung, or any combination thereof.

While not conceding the patentability of the dependent claims, *per se*, Claims 2-8, 10-15, 17, 21 and 23 are also allowable for at least the above reasons.

Accordingly, all of the claims pending in the Application, namely, Claims 1-18 and 20-24, are believed to be in condition for allowance. Early and favorable action is respectfully requested. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicants

THE FARRELL LAW FIRM
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/TCS/dr